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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,768	07/15/2003	Lars Jahn	Q75545	6025
23373	7590	04/05/2004	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			ALLEN, ANDRE J	
			ART UNIT	PAPER NUMBER
			2855	

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/618,768		JAHN ET AL.	
	Examiner		Art Unit	
	Andre J. Allen		2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1-5-03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Sterin et al and Schaefer.

Regarding claim 1 Suzuki teaches four rollers(col.6 lines 60-68), however Suzukui does not teach each roller having an irregular surface cover and four asynchronous motors, each of which drives a respective one of the rollers.

Sterin et al teaches a roller assembly comprising an irregular surface (fig. 16a) and Schafer teaches four motors 12 that operate with a roller assembly (fig. 1) and rotate each respective one of the rollers.

It would have been obvious to one having ordinary skill in the art of roller assemblies to modify the roller assembly taught by Suzuki with a motor to directly be coupled to operate the roller assembly as taught by Schaffer and a roller assembly having rollers with an irregular surface as taught by Sterin et al and four motors as taught by Schafer for the purpose of simulating the environment of

a tire also, actuating a roller assembly to rotate along a particular axis and controllably operate the speed of each roller.

With respect to an asynchronous motor, since Suzuki in view of Sterin et al and Schaefer discloses at least one type of motor to actuate a rotation with respect to the rollers. It would have been obvious to one having ordinary skill in the art to choose the most optimum and efficient motor that is readily available to the public after undo-experimentation. Furthermore, lacking any criticality it would appear that the motor assembly disclosed in Schaefer would perform equally as well.

Regarding claims 2 and 3 Suzuki in view of Sterin et al and Schaefer does not teach any particular dimensions with respect to the rollers as claimed, however it would have been obvious to one having ordinary skill in the art to modify each roller to define whatever particular dimensions necessary to test an automobile since it has been held that a change in the size of a prior art device is a consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955) and it appears that the apparatus' as taught by Suzuki in view of Sterin et al and Schaefer would suggest some set of dimensions that are effectively implemented in to operate these particular parts of machinery.

Regarding claim 11 Suzuki and Sterin et al does not explicitly disclose control units, each of which controls speed and angular synchronism of a respective one of the rollers. Schaefer teaches a control unit 52 for the motors 12. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the roller assembly taught by Suzuki and

Sterin et al to include a motor controller as taught by Schaefer for the purpose of actuating and effectively controlling rotational speeds of the rollers.

Allowable Subject Matter

2. Claims 4-10 and 12-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The cited prior art does not disclose nor suggest a roller assembly for a road simulation test assembly to include rollers each comprising a plurality of coating rows extending in axial direction along respective outer circumferences of the rollers, each pavement row comprises a plurality of paving stones arranged side by side and in the first operating mode, the rollers are driven by the asynchronous motors and the motor vehicle is operated in neutral, and in the second operating mode, the rollers are driven by the motor vehicle..

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patents 5000038, 5101660, 4385518 and 4385518 all disclose apparatus' that simulate road test.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre J. Allen whose telephone number is 571-272-2174. The examiner can normally be reached on mon-fri 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


EDWARD LEFKOWITZ
SUPERVISORY PATENT EXAMINER
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Art Unit 2855